

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE

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V

Basement Holdings Inc dba Metro Café & Bakery

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages
RSA 275:43-b unpaid salary

Employer: Basement Holdings Inc. dba Metro Café & Bakery, 6 Allen St.,
Hanover, NH 03755

Date of Hearing: September 2, 2014

Case No.: 48401

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant asserts she is owed \$772.00 in unpaid salary. She argues she was not paid her full salary of \$1,200.00, but only \$428.55. She seeks the balance as due.

The employer denies the claimant was not paid her full salary. He argues her last day of work was June 9, 2014. She was paid her full \$1,200.00 salary for the biweekly pay period ending June 12, 2014. She received an additional check of \$361.77, gross, or \$428.55, for the first week of wages that the employer held back when she was in her an hourly position. He was somewhat unclear as to why the employer had held these wages.

FINDINGS OF FACT

The claimant worked for the first as an hourly employee and was then promoted to a salaried manager. The employer paid her a salary of \$1,200.00 biweekly. The pay period began on Friday and ended the second following Thursday. The wages for the pay period are paid on the first Friday after the end of the pay period.

The claimant's last day of work was June 9, 2014. The pay period ended June 12, 2014. On June 13, 2014, she received a pay check for the pay period of May 30, 2014 through June 12, 2014, for \$1,200.00.

She was paid her salaried wages in full.

The employer provided the claimant with another check on June 27, 2014, for \$428.55, gross for the first week of wages that the employer held back when she was in her an hourly position. He was somewhat unclear as to why the employer had held

these wages. These wages were not a partial payment towards her salary as those wages had been paid in full.

DECISION

Based on the testimony and evidence presented, as RSA 275:43 I requires that an employer pay all wages due an employee, and as this Department finds that the claimant failed to prove by a preponderance of the evidence that she is owed the claimed wages/salary, it is hereby ruled that the Wage Claim is invalid.

Melissa J. Delorey
Hearing Officer

Date of Decision: September 15, 2014

Original: [REDACTED]
cc: Basement Holdings Inc dba Metro Café & Bakery

MJD/kl